

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

LINDY G. WRIGHT,

Plaintiff,

V.

**CHATTAHOOCHEE VALLEY
COMMUNITY COLLEGE (CVCC),
et al.,**

Defendants.

Civil Action No. 3:06-CV-1087-WKW

**DEFENDANTS' AMENDMENT TO THEIR PREVIOUSLY
FILED MOTION FOR EXTENSION OF TIME WITHIN WHICH
TO FILE RULE 26(f) PROPOSED DISCOVERY PLAN**

COME NOW the Defendants herein and amend their Motion for Extension of Time
With Regard to the Filing of a Proposed Discovery Plan to delete from paragraph 7 of the
Motion the following words:

“ . . . neither Joan Yvette Davis, in-house counsel for the Department of Post-Secondary Education, State of Alabama . . . ”

The reason for this Amendment is as follows:

1. H. E. Nix, Jr., contacted Joan Yvette Davis on the day of the filing of this motion and inquired over the telephone, while Ms. Davis was at lunch, whether she had agreed to a Proposed Discovery Plan in this case. Ms. Davis indicated that she had not spoken to any of the Plaintiff's lawyers and she had not approved a Proposed Discovery Plan that would be filed by the Plaintiff's lawyers.

2. However, at a time subsequent to this conversation between Ms. Davis and the undersigned and after Plaintiff's counsel had shown undersigned counsel what appeared to be a response from Joan Davis to Peter Dumbuya's email attaching a draft

Proposed Discovery Plan, Joan Davis attempted to find an email from Mr. Dumbuya to her and an email response from her to Mr. Dumbuya.

3. Ms. Davis did ultimately find email records indicating that Mr. Dumbuya had sent to her a draft of the Proposed Discovery Plan and that she had approved it.

4. Ms. Davis conveyed that information to the undersigned and the undersigned conveyed it to the lawyers for the Plaintiff.

5. Ms. Davis is required to handle a tremendous number of communications daily, including email traffic. She forgot that she had received the email from Mr. Dumbuya and issued a positive response to it. This was an oversight.

6. The undersigned wishes to and does hereby amend the Motion for Extension of Time by deleting the portion of the seventh paragraph which is set forth in quotation marks above. Additionally, this Defendant reiterates the fact that the parties have discussed this matter and agree that a negotiated Proposed Discovery Plan can be completed and will be filed with the Court before the end of the week beginning on Monday, January 22, 2007.

7. The undersigned represents unto the Court that the parties are working together and that they are attempting to come to closure with regard to a Proposed Discovery Plan that the parties will submit to the Court herein.

WHEREFORE, the Defendants make the above Amendment to Their Previously Filed Motion for Extension of Time.

Respectfully submitted,

/s/ H.E. Nix, Jr.
H.E.Nix, Jr. (NIX007)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing instrument has been served on the following individual(s) by email from the Court or by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this 22nd day of January, 2007.

Jennifer B. Cooley
Parker & Cooley, LLC
1507 Broad Street
Phenix City, Alabama 36867

Peter A. Dumbuya
Post Office Box 3302
Phenix City, Alabama 36868

Joan Davis
Dept. Of Post-Secondary Education
401 Adams Avenue, Suite 280
Montgomery, AL 36130

/s/ H.E. Nix, Jr.
OF COUNSEL